

Message

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**From:** Goodin, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]  
**Sent:** 5/20/2019 10:07:10 PM  
**To:** John Goodin (Goodin.John@epa.gov) [Goodin.John@epa.gov]  
**Subject:** FW: draft note to Dave per morning meeting  
**Attachments:** Retained waters note.docx

Attachment text

**Issue:** Clarifying assumable waters and retained waters in the CWA 404g rulemaking

**Request:** We would like to set up a discussion soon with you to walk through our preliminary thoughts and gain policy direction from you.

## Ex. 5 Deliberative Process (DP)

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**From:** Eisenberg, Mindy

**Sent:** Monday, May 20, 2019 4:42 PM

**To:** Goodin, John <Goodin.John@epa.gov>

**Cc:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>

**Subject:** draft note to Dave per morning meeting

John,  
Following up on our discussion this morning, please see the draft note to Dave. Because it was getting long, Kathy placed the note in a separate doc that is referenced below. I don't remember you sending us the final version of the Detroit issue paper that you sent to Dave so we couldn't attach it.

Please let us know if you need anything else.

DRAFT/DELIBERATIVE

Dave,

As part of our work on the 404g rulemaking, the EPA staff team will be meeting with USACE and Army on Thursday seeking early input from them regarding a number of issues they will have insightful perspectives on such as the contents of the state/tribal-USACE MOA, coordination on enforcement issues post assumption, partial assumption, etc.

We are seeking your policy direction regarding a second discussion with them tentatively scheduled for June 10 about identifying retained waters

**Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

If you have any questions, please do not hesitate to contact me.

Thanks,

John

Mindy Eisenberg  
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**From:** Hurl, Kathy

**Sent:** Monday, May 20, 2019 3:15 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>

**Cc:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>

**Subject:** RE: draft Dave note with attachments

Below is a draft note per discussions this am. PLEASE Note. I don't have a copy of the final briefing paper that went forward on MI, this was my draft! - Kathy